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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/807,983	03/24/2004	Chieko Asakawa	JP920030045US1	4455
54856 7590 01/08/2007 LOUIS PAUL HERZBERG 3 CLOVERDALE LANE MONSEY, NY 10952			EXAMINER TRAN, QUOC A	
			ART UNIT 2176	PAPER NUMBER
			MAIL DATE 01/08/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action Before the Filing of an Appeal Brief	Application No. 10/807,983	Applicant(s) ASAKAWA ET AL.	
	Examiner Tran A. Quoc	Art Unit 2176	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 21 December 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1-20.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.


Heather R. Herndon
Supervisory Patent Examiner
Technology Center 2100

Continuation of 11. does NOT place the application in condition for allowance because: It is noted that, Claim 20 (New) of the amendment filed 12-21-2006 were not properly labeled. This claim has been treated as if the status identifier of "previously presented" had been included. If this is not correct, applicants should notify the USPTO with a corrected amendment. Any future correspondence must contain the proper status identifiers." (MPEP 37 CFR 1.121).

In addition, applicant's arguments filed 12-21-2006 have been fully considered but they are not persuasive.

Regarding claims 1-20, Applicant argues against the use of the Orr reference. Specifically argues against the obviousness statement in relying on Orr for claims 1-20 (page 8, bottom – page 9, top) and Orr is not concerned with digest screen display content deciding means to select display elements belonging to respective regions of a document based on display priorities of the display elements (Remarks, page 10, bottom). Applicant argues that there is no inventive commonality between Orr and claims 1-20 (Remarks, pages 13-14). The examiner disagrees. First, the examiner characterizes the applicant's invention as a means for creating a digest, in which a document, the layout of which is predetermined by a creator, is transformed to make certain that the transformed document is fitted within a display area required by a reader, where the layout of the document (which can be a web page) is predetermined by the creator and then is transformed to fit within the display area by the reader, where the display content of the digest screen be changed in response to the operation of the user, a browsing environment capable of sensitively coping with a user's wish (see Applicant's specification, pages 5-6, summary of the invention section). Accordingly, the Orr reference discloses the applicant's invention. Orr discloses a design engine for automatic reformatting for design and media that will automatically fit content to the selected design (ie., a newsletter) represented in the selected media (ie., printed page, screen, HTML, etc) and position text and graphics, change type specifications, jump stories and make other needed adjustments to the layout to make it automatically fit to make the design look good (col 5, lines 57 – col 6, line 8). Orr's disclosure reformats a page to fit into various media, while maintaining all of the substantive layout out of the components. This disclosure is functionally equivalent to the desired goals of the current application (as characterized by examiner above).

Applicant argues that Applicant, regarding claims 1, 6, 8 and 12, that indeed the applicants specification, pages 5-6, summary of the invention section includes means for creating a digest, in which a document the layout of which is predetermined by a creator, is transformed to make certain that the transformed document is fitted within a display area required by a reader, where the layout of the document (which can be a web page) is predetermined by the creator and then is transformed to fit within the display area by the reader, where the display content of the digest screen be changed in response to the operation of the user, a browsing environment capable of sensitively coping with a users wish. However, that does not construe or limit the claims as indicated above. The manner that this is construed is apparently in order to support citing the referenced art (Remarks, page 11, top). The examiner disagrees. Regarding claims 1, 6, 8 and 12, Orr suggests means far selecting the display elements based, exceed a required display area. The examiner characterizes the applicants invention as a means for creating a digest, in which a document the layout of which is predetermined by a creator, is transformed to make certain that the transformed document is fitted within a display area required by a reader, where the layout of the document (which can be a web page) is predetermined by the creator and then is transformed to fit within the display area by the reader, where the display content of the digest screen be changed in response to the operation of the user, a browsing environment capable of sensitively coping with a users wish (see Applicants specification, pages 5-6, summary of the invention section).

Furthermore, Applicant argues that Orr's teaching of the placement of overlap is not related to merging relationship among regions as in the claims (Remarks, page 12, top). The examiner disagrees. Orr's overlapping disclosure is similar to the instant application's functionality of the "means" of merging regions. Orr describes a media tree with text areas and image areas, which are the media regions as components of the page (col 28, line 40 – col 29, line 15) where the child component is placed in a location that overlaps the region occupied by the parent component (col 30, line 59 – col 31, line 4). The examiner characterizes Orr's media divisions as regions, which are automatically adjusted or reformatted to fit the content to the media (col 32, lines 40-44). This disclosure is equivalent to the description of regions in the applicant's specification.

Additionally, Applicant claims the means for selecting and means for setting a merging relationship (Remarks, page 12, bottom through page 13, bottom). Orr teaches these means, like automatically adjusted or reformatted to fit the content to the media (col 32, lines 40-44) provides the automatic means for selecting and deciding how to adjust the content to a particular media and performing the necessary changes and reformatting to the layout of the content to make it fit. For the means for merging, Orr describes a media tree with text areas and image areas, which are the media regions as components of the page (col 28, line 40 – col 29, line 15) where the child component is placed in a location that overlaps the region occupied by the parent component (col 30, line 59 – col 31, line 4). The tree provides a relationship that allows for future overlap or manipulation of child and parent components in order to fit content according to a layout option. This disclosure is equivalent to the description of regions in the applicant's specification.

Also, Applicant argues that Orr does not do the functions of the means for selecting and/or setting and/or deciding of claims 1-20 (page 14, bottom and page 16, top). The examiner disagrees, the applicant claims the means for selecting and means for setting a merging relationship (see claim 1). Orr teaches these means, like automatically adjusted or reformatted to fit the content to the media (col 32, lines 40-44) provides the automatic means for selecting and deciding how to adjust the content to a particular media and performing the necessary changes and reformatting to the layout of the content to make it fit. For the means for merging, Orr describes a media tree with text areas and image areas, which are the media regions as components of the page (col 28, line 40 – col 29, line 15) where the child component is placed in a location that overlaps the region occupied by the parent component (col 30, line 59 – col 31, line 4). The tree provides a relationship that allows for future overlap or manipulation of child and parent components in order to fit content according to a layout option. This disclosure is equivalent to the description of regions in the applicant's specification.

In addition, Applicant argues against the obviousness statement in relying on Orr for claims 2, 9 and 13 because the applicant argues that Orr is not related to the present claimed invention (Remarks, page 15). The examiner disagrees. Orr reference discloses the applicant's invention. Orr discloses a design engine for automatic reformatting for design and media that will automatically fit content to the selected design (ie., a newsletter) represented in the selected media (ie., printed page, screen, HTML, etc) and position text and graphics, change type specifications, jump stories and make other needed adjustments to the layout to make it automatically fit to make the design look good (col 5, lines 57 – col 6, line 8). This disclosure is functionally equivalent to the desired goals of the current application (as characterized by examiner above).

In addition, Applicant argues that Orr does not teach elements in claims 3-5, 7, 10-11, and 14-19, particularly the 'means

for creating' (Remarks, page 16, bottom). The examiner disagrees. Specifically, Orr teaches a user authors a document, thereafter the document reformatting is automatic, upon initiation by the author (col 2, lines 43-47). In addition, Orr discloses a user authors a document, thereafter the document reformatting is automatic, upon initiation by the author (col 2, lines 43-47). Also, Orr discloses performing calculations on the displayed elements and whitespace, in order to provide an interface that is optimally fit for the display region while maintaining referential integrity. Although Orr does not use the express language of the claim such as 'arrayed display elements', Orr does suggest the conceptual quest of the claim language when viewed with the broadest reasonable interpretation under the specification. For example, based on the fixed properties, the image will adjust itself in order to fit in a particular region and will keep its aspect ratio and will automatically adjust its height in order to fit the region taking in consideration a user specification (col 43, lines 4-14). Additionally, Orr does expressly disclose content scale factors for scaling content either up or down in order to assist in fitting all of the content into the available media, including a white space scale factor (col 40, lines 26-48). Furthermore, Orr discloses processing of data by a computer system to automatic formatting of information for a change in design or a medium with persistent storage (col 1, lines 5-9; col 9, lines 58-65).

For at least all the above evidence, therefore the Examiner respectfully maintains the rejection of claims 1-20, and should be sustained.